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8 *Attorney for the Plaintiff*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 JAMES O'DOAN,

11 Plaintiff(s),

12 vs.

13 RENO POLICE OFFICER JOSHUA
14 SANFORD, RENO POLICE
15 OFFICER CADE LEAVITT, and
16 THE CITY OF RENO, a political
subdivision of the State of Nevada; and
JOHN DOES I through X, inclusive

Case No. 3:17-cv-00293-LRH-VPC

STIPULATED ~~PROPOSED~~
PROTECTIVE ORDER

17 Defendant(s).

18 _____ /
19
20 In order to protect the confidentiality of confidential information obtained by
21 the parties in connection with this case, the parties hereby agree as follows:

22 1. Any party or non-party may designate as "confidential" (by stamping the
23 relevant page or other otherwise set forth herein) any document or response to
24 discovery which that party or non-party considers in good faith to contain information
25 involving

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2 trade secrets, or confidential business or financial information, subject to protection
3 under the Federal Rules of Civil Procedure or Nevada law ("Confidential
4 Information"). Where a document or response consists of more than one page, the
5 first page and each page on which confidential information appears shall be so
6 designated.
7

8 2. A party or non-party may designate information disclosed during a
9 deposition or in response to written discovery as "confidential" by so indicating in said
10 response or on the record at the deposition and requesting the preparation of a
11 separate transcript of such material. Additionally a party or non-party may designate in
12 writing, within twenty (20) days after receipt of said responses or of the deposition
13 transcript for which the designation is proposed, that specific pages of the transcript
14 and/or specific responses be treated as "confidential" information. Any other party
15 may object to such proposal, in writing or on the record. Upon such objection, the
16 parties shall follow the procedures described in paragraph 8 below. After any
17 designation made according to the procedure set forth in this paragraph, the
18 designated documents or information shall be treated according to the designation
19 until the matter is resolved according to the procedures described in paragraph 8
20 below, and counsel for all parties shall be responsible for making all previously
21 unmarked copies of the designated material in their possession or control with the
22 specified designation.
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2 3. All information produced or exchanged in the course of this case (other
3 than information that is publicly available) shall be used by the party or parties to
4 whom the information is produced solely for the purpose of this case.
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6 4. Except with the prior written consent of other parties, or upon prior
7 order of this Court obtained upon notice to opposing counsel, Confidential
8 Information shall not be disclosed to any person other than:
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10 (a) counsel for the respective parties to this litigation, including in-house counsel and
11 cocounsel retained for this litigation;

12 (b) employees of such counsel;

13 (c) individual defendants, class representatives, any officer or employee of a party, to
14 the extent deemed necessary by Counsel for the prosecution or defense of this
15 litigation;

16 (d) consultants or expert witnesses retained for the prosecution or defense of this
17 litigation, provided that each such person shall execute a copy of the Certification
18 annexed to this Order as Exhibit "A" (which shall be retained by counsel to the

19 party so disclosing the Confidential Information and made available for
20 inspection by opposing counsel during the pendency or after the termination of

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26 the action only upon good cause shown and upon order of the Court) before being
27 shown or given any Confidential Information

28 (e) any authors or recipients of the Confidential Information;

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2 (f) the Court, Comi personnel, and court reporters; and
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4 (g) witnesses (other than persons described in paragraph 4(e)). A witness shall sign the
5 Certification before being shown a confidential document. Confidential Information
6 may be disclosed to a witness who will not sign the Certification only in a deposition
7 at which the party who designated the Confidential Information is represented or has
8 been given notice that Confidential Information shall be designated "Confidential"
9 pursuant to paragraph 2 above. Witnesses shown Confidential Information shall not
10 be allowed to retain copies.

11
12 5. Any persons receiving Confidential Information shall not reveal or discuss
13 such information to or with any person who is not entitled to receive such
14 information, except as set forth herein.

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16 6. Unless otherwise permitted by statute, rule or prior court order, papers
17 filed with the court under seal shall be accompanied by a contemporaneous motion for
18 leave to file those documents under seal, and shall be filed consistent with the court's
19 electronic filing procedures in accordance with Local Rule IA 10-5. Notwithstanding
20 any agreement among the parties, the party seeking to file a paper under seal bears the
21 burden of overcoming the presumption in favor of public access to papers filed in
22 court. Kamakana v. City and County of Honolulu, 447 F.2d 1172 (9th Cir. 2006);
23 Pintos v. Pac. Creditors Ass 'n, 605 F.3d 665, 677- 78 (9th Cir. 2010).

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25 7. A party may designate as "Confidential" documents or discovery materials
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2 produced by a non-party by providing written notice to all parties of the relevant
3 document numbers or other identification within thirty (30) days after receiving such
4 documents or discovery materials. Any party or non-party may voluntarily disclose to
5 others without restriction any information designated by that party or non-party as
6 confidential, although a document may lose its confidential status if it is made public.
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9 8. If a party contends that any material is not entitled to confidential
10 treatment, such party may at any time give written notice to the party or non-party
11 who designated the material. The party or non-party who designated the material shall
12 have twenty-five (25) days from the receipt of such written notice to apply to the
13 Court for an order designating the material as confidential. The party or non-party
14 seeking the order has the burden of establishing that the document is entitled to
15 Protection.
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18 9. Notwithstanding any challenge to the designation of material as
19 Confidential Information, all documents shall be treated as such and shall be subject to
20 the provisions hereof unless and until one of the following occurs:
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23 (a) the party or non-party claims that the material is Confidential Information
24 withdraws such designation in writing; or
25 (b) the party or non-party who claims that the material is Confidential Information
26 fails to apply to the Court for an order designating the material confidential within the
27 time period specified above after receipt of a written challenge to such
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1 designation; or
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3 (c) the Court rules the material is not confidential.
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5 10. All provisions of this Order restricting the communication or use of
6 Confidential Information shall continue to be binding after the conclusion of this
7 action, unless otherwise agreed or ordered. Upon conclusion of the litigation, a party
8 in the possession of Confidential Information, other than that which is contained in
9 pleadings, correspondence, and deposition transcripts, shall either (a) return such
10 documents no later than thirty (30) days after conclusion of this action to counsel
11 for the party or non-party who provided such information, or (b) destroy such
12 documents within the time period upon consent of the party who provided the
13 information and certify in writing within thirty (30) days that the documents have
14 been destroyed.
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16 11. The terms of this Order do not preclude, limit, restrict, or otherwise apply
17 to the use of documents at trial.
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19 12. Nothing herein shall be deemed to waive any applicable privilege or work
20 product protection, or to affect the ability of a party to seek relief for an inadvertent
21 disclosure of material protected by privilege or work product protection.
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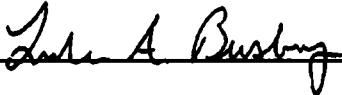
23 13. Any witness or other person, firm or entity from which discovery is
24 sought may be informed of and may obtain the protection of this Order by written
25 advice to the parties' respective counsel or by oral advice at the time of any deposition
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2 or similar proceeding.

3 IT IS SO STIPULATED.

4
5 By:  Dated: 8-1-17

6 Mark H. Hughes, Esq.
7 Reno City Attorney
8 1 East First St.
9 Reno, Nevada 89501
10 *Attorney for the Defendants*

11 By:  Dated: 8-1-2017

12 Luke Andrew Busby, Ltd.
13 Nevada State Bar No. 10319
14 216 East Liberty St.
15 Reno, NV 89501
16 775-453-0112
17 luke@lukeandrewbusbyltd.com
18 *Attorneys for the Plaintiff*

19 **ORDER**

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21 IT IS SO ORDERED.

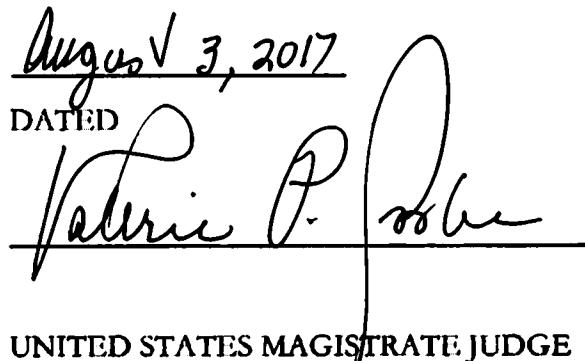
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23 DATED
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26 UNITED STATES MAGISTRATE JUDGE
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Exhibit A

CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order dated _____ in Case No. 3:17-cv-00293-LRH-VPC

I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information - including copies, notes, or other transcriptions made therefrom - in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information -including copies, notes or other transcriptions made therefrom - to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

Dated: _____

By: _____